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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/936,294	03/11/2002	Yuji Kakehi	2576-118	2437
6449	7590	12/13/2005	EXAMINER	
ROTHWELL, FIGG, ERNST & MANBECK, P.C. 1425 K STREET, N.W. SUITE 800 WASHINGTON, DC 20005			GHULAMALI, QUTBUDDIN	
			ART UNIT	PAPER NUMBER
			2637	

DATE MAILED: 12/13/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

X

Office Action Summary	Application No. 09/936,294	Applicant(s) KAKEHI, YUJI	
	Examiner Qutub Ghulamali	Art Unit 2637	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09/27/2005.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 and 10-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 17 and 18 is/are allowed.
- 6) ☒ Claim(s) 1,2,8,10-13 and 15 is/are rejected.
- 7) ☒ Claim(s) 3-7, 14, 16 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>1/15/03</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This Office Action is responsive applicant's Remarks/Amendments filed on 09/27/2005.

Claim Objections

2. Claim 3 is objected to because of the following informalities: Claim 3, lines 5 and 9 recite "fame", should it be changed to "frame"? Appropriate correction is required.

Response to Arguments

3. Applicant's remarks/amendments filed 09/27/2005 regarding claims 1, 8, 10 and 17, have been fully considered but they are not persuasive. Applicant alleges that Shou-Lomp combination and in particular Lomp, under 35U.S.C 103(a), fails to disclose a cell search process and stopping signal processing of the cell search if either of frame timing, code group or code is invalid. The examiner respectfully disagrees and would respectfully like to draw applicant's attention to Lomp, col. 30, lines 60-67, that very clearly emphasize that the receiver upon receiving the signal (acquisition phase and the timing phase) during the cell search process compares the output signal of the pilot despreader to a threshold and once the match is found (determines the validity as commonly understood in the art of communication) the search process stops for the event wherein the code sequences are timed in response to the Sync. signal determined by the controller's (1303) control signal. Based on disclosure by Lomp, the

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limitations of instant claims are satisfied rendering this argument moot. Therefore, rejection of claims 1-2, 8, 10-13 and 15 is still maintained.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1, 2, 8, 10-13 and 15, are rejected under 35 U.S.C. 103(a) as being unpatentable over Shou et al (USP 5,910,948) in view of Lomp et al (USP 5,991,332).

Regarding claims 1, 2, 8, 10, 11, 13 and 15, Shou discloses a mobile communication terminal comprising:

a receiver (12) receiving a radio wave (11) from base stations (abstract; fig. 1; col. 3, lines 15-20, 45-48);

a detector detecting spread codes from signals received by said receiver (col. 3, lines 45-63; col. 5, lines 60-67);

a demodulator (30) demodulating the received signals with the spread codes detected by said detector (22, correlators 1-n) (col. 6, lines 18-37);

a control unit dividing a slot into a plurality of search ranges, deleting multipath in said search range, successively allowing demodulator (30) to demodulate the received signals and allowing decoder to decode the demodulated data (abstract; col. 4, lines 20-27). Shou however is silent regarding:

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a decoder decoding data demodulated by said demodulator, and a control unit controlling cell search process, and stopping signal processing of the cell search in response to detection of invalid cell code.

Lomp in a similar field of endeavor discloses,

a decoder (fig. 15, elements 1713-1716) decoding data demodulated by said demodulator (col. 31, lines 1-15); and

a control unit (fig. 11, element 1303) controlling cell search process, and stopping signal processing of the cell search in response to detection of invalid cell code (match and dismiss) (col. 30, lines 57-67; col. 31, lines 1-4). It would have been obvious to a person of ordinary skill in the art at the time the invention was made to use a decoder and a control unit as taught by Lomp in the circuit of Shou because it can allow decoding of encoded data in each of the received message channel and facilitate controlling the search process so that signal power level of despread associated code signal is optimized.

Regarding claim 12, Shou discloses a cellular communication system includes:

a slot timing detector (short period (time)) detecting slot timing from the signals received by said receiver (col. 3, lines 41-48);

a code group detector detecting a code group (long code or group) based on the slot timing detected by said slot timing detector from the signals received by said receiver (col. 3, lines 41-56); and

a code detector detecting a code based on the slot timing detected by said slot timing detector and the code group detected by said code group detector from the signals received by said receiver (col. 3, lines 41-63; col. 4, lines 20-28).

Allowable Subject Matter

6. Claims 17-18 allowed.
7. Claims 3-7, 14 and 16, are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form *including the claim objection, all of the limitations of the base claim and any intervening claims*.

Conclusion

8. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.


9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Qutub Ghulamali whose telephone number is (571) 272-3014. The examiner can normally be reached on Monday-Friday from 8:00AM - 5:00PM.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jay Patel can be reached on (571) 272-2988. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

QG
December 2, 2005.


JEAN B. CORRIELUS
PRIMARY EXAMINER
12-4-05